IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5470 of 2005

Date: 25th September, 2006

Between:

Idamakanti Subba Ratnam

.. Petitioner

And

The Joint Collector,
Ongole, Prakasam district & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.5470 of 2005

ORDER:

It appears, petitioner was appointed as a fair price shop dealer of Talluru village and mandal, Prakasam district in pursuance of the notification issued by the 2nd respondent-Revenue Divisional Officer for filling up the said vacancy. Aggrieved by the said appointment, fourth respondent filed appeal before the 1st respondent-Joint Collector. The 1st respondent, by order dated 10.3.2005 however allowed the appeal and directed the 2nd respondent to conduct interview again and make selection on the basis of merit as per the objective criteria. Aggrieved by the same, the present writ petition is filed.

There is no necessity of going into all the details.

While allowing the appeal, the 1st respondent observed that 'it

appears that it is a totally subjective assessment of the performance of the candidate. In this case both appellant and respondent No.1 appear to be equally qualified for the dealership' and directed the 2nd respondent to conduct interview afresh. What exactly is the subjective assessment and what could have been the objective assessment were not at all discussed by the 1st respondent. Therefore, in a matter of this nature, i.e. appointment of fair price shop dealers, once the criteria is satisfied and the primary authority records that Smt.Idamakanti Subba Ratnam, petitioner herein, is entitled for authorisation, the appellate authority could not have disturbed such appointment on the so called subjective assessment/objective assessment etc., which is neither considered nor discussed. Therefore, the impugned order passed by the 1st respondent dated 10.3.2005 is liable to be set aside.

In the result, the writ petition is allowed and the impugned order dated 10.3.2005 passed by the 1st respondent is set aside and the order passed by the 2nd respondent dated 28.1.2005 appointing the petitioner as fair price shop dealer is confirmed. No order as to costs.

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C.V.RAMULU, J

Date: 25.9.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20360 of 2001

25.9.2006